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11 FlatWorld Interactives LLC

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
15

16 FLATWORLD INTERACTIVES LLC, a)
Pennsylvania limited liability company,)
17)
Plaintiff,)
18)
v.)
19)
APPLE INC, a California corporation,)
20)
Defendant.)
21)
22)
_____)

No. C 12-01956 JSW

**DECLARATION OF DR.
SLAVOLJUB MILEKIC IN
OPPOSITION TO APPLE'S MOTION
TO DISQUALIFY HAGENS
BERMAN SOBOL SHAPIRO LLP**

JURY TRIAL REQUESTED

DATE ACTION FILED:
April 19, 2012

1 I, Dr. Slavoljub Milekic, declare:

2 1. I am a principal and 65 % shareholder of FlatWorld Interactives LLC
3 (“FlatWorld”), and the inventor of the subject matter claimed in the patent-in-suit. I make this
4 declaration based upon my personal knowledge and am competent to testify as to the matters stated
5 herein.

6 2. John’s only relationship with FlatWorld is through his marriage to Jennifer
7 McAleese. He does not own any interest in FlatWorld. It has always been my perception that John
8 McAleese had little interest in FlatWorld and considered it to be his wife’s side interest.

9 3. Throughout its existence, FlatWorld has engaged patent prosecution counsel,
10 corporate counsel, and other counsel for its various legal needs. Hagens Berman Sobol Shapiro
11 LLP (“Hagens Berman”) is FlatWorld’s counsel in this litigation. Mr. McAleese, whom I
12 understand to be an environmental law lawyer, is not co-counsel to Hagens Berman in this
13 litigation. I have never requested or solicited legal advice from Mr. McAleese for this case, nor
14 have I ever requested or authorized FlatWorld’s co-owner, Jennifer McAleese to solicit any legal
15 advice from Mr. McAleese in this case. Although Hagens Berman has kept me informed about all
16 case developments, I have never made any substantive decisions, directions or suggestions
17 regarding strategy, tactics, or management of this case, preferring to rely instead on the patent
18 litigation knowledge and expertise of Hagens Berman.

19 4. I have known John McAleese through Jennifer McAleese since approximately 2006.
20 Between 2006 and the present, I have spoken with John approximately four or five times for ten to
21 twenty minutes each time. I have never discussed FlatWorld’s patent or this litigation with John,
22 though he and I may have on occasion been recipients of the same emails. I have never requested
23 or received any Apple confidential information from John or Jennifer McAleese.

24 5. The first time that I learned that John McAleese’s law firm, Morgan Lewis &
25 Bockius LLP, represented Apple in any matter was in late February, 2013, after Apple objected to
26 the inclusion of his name on FlatWorld’s privilege log.

27 6. I did not know that Jennifer had forwarded any Hagens Berman emails, Apple’s
28 answer, or Apple’s infringement contentions to John McAleese until after Apple objected to

1 FlatWorld's privilege log. I never had any discussions with John about these communications, and
2 Jennifer never communicated any information, advice, comments, or instructions from John to me.

3 7. To respond to Apple's discovery requests and the disclosure requirements in this
4 case, I have conducted a thorough search of all documents in my possession, custody or control
5 that conceivably pertain to FlatWorld, including my email account. I sent all responsive
6 documents that I found, including emails and other electronic documents, to Hagens Berman. To
7 the best of my knowledge, all responsive documents have been produced to Apple or listed on a
8 privilege log. No documents have been intentionally destroyed, concealed, or mischaracterized.

9 8. I have reviewed Apple's Motion to Disqualify Hagens Berman, the supporting
10 Declaration of Michael Pieja, and the exhibits thereto. I understand that Apple represents that John
11 McAleese used Jennifer McAleese as a conduit to indirectly communicate confidential Apple
12 information and legal advice to Hagens Berman. To the best of my knowledge, these
13 representations are false. I understand also that Apple accuses me, Jennifer McAleese and Hagens
14 Berman of intentionally destroying documents. To the best of my knowledge, these accusations
15 are false.

16 9. FlatWorld hired Hagens Berman after a search for appropriate litigation counsel,
17 and we concluded that the firm is one of the best plaintiff and trial law firms in the United States.
18 If Hagens Berman were to be disqualified as FlatWorld's counsel, FlatWorld would be heavily
19 prejudiced. FlatWorld has no revenue and has hired Hagens Berman on a contingent fee basis.
20 FlatWorld's only option to continue the case without Hagens Berman would be to find another firm
21 that would be willing to accept this case for a contingent fee and that would be willing to accept the
22 substantial costs of coming up to speed in a case that has been active for over a year. It would be
23 difficult for FlatWorld to replace Hagens Berman with a patent litigation firm of equal quality.
24 Finding such a firm would, at a minimum, likely take a significant amount of time, and FlatWorld
25 would lose all of the experience and familiarity with the case gained by Hagens Berman. If
26 FlatWorld could not find a new firm that would be willing to accept its case for a contingent fee, it
27 would be forced to withdraw its claims against Apple.

28 I declare under penalty of perjury that the foregoing is true and correct.

Signed in Belgrade, Serbia, this 10th day of June, 2013.



Dr. Slavoljub Milekic

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2013, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the email addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List. Any non-CM/ECF participants will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Steve W. Berman
STEVE W. BERMAN